



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

June 1, 1939

Honorable L. A. Woods  
State Superintendent of  
Public Instruction  
Austin, Texas

Dear Sir:

Opinion No. 0-756

Re: Transportation system for  
county line districts.

We are in receipt of your letter of May 4, 1939, in which you submit the following questions to this department:

\*One. May a county board other than the one which has been given jurisdiction over the county line district set up a system of transportation for a county; that is, may a county which has surrendered jurisdiction of a county line district to county still legally set up a system of transportation for county wide, including in said system territory in the jurisdiction of X which has also set up a system of transportation for said territory?

\*Two. Has district X the legal authority to prevent the invasion of its territory by other county busses even though said territory lies in county line districts?

Section 11, Acts 1937, 45th Legislature, Second Called Session, House Bill No. 193, Chapter 60, page 1972, provides, in part, as follows:

\*Transportation Aid -- The County Superintendents and County School Boards are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts, and within consolidated districts, to the nearest convenient accredited high school, or to any near high school of higher classification, from the

sending district when designated by the County Board."

The Act then provides for the payment of transportation aid under the conditions therein set out.

Article 2743, Revised Civil Statutes, 1925, provides for the creation of county line districts, and contains the following provision:

"Said order shall also designate and name some one of the counties having territory included in the description of such district which shall manage and have control of the public schools therein for all school purposes."

Article 2744 R.C.S., 1925, provides in part:

"Common county line school districts shall have all the rights, powers and privileges of common school districts, and for all school purposes, shall be managed and controlled by the county named in the order creating such district \* \* \*".

Article 2742b Sec. 5 provides for the consolidation of two or more contiguous common school districts lying in two or more counties and further provides:

"The returns of said election shall be made to the respective boards of county school trustees, who shall declare the result, and if the consolidation is approved \* \* \* the school trustees of each common school district voting for consolidation shall within ten days meet in joint meeting and \* \* \* designate the county having supervision of said consolidated district \* \* \*".

Article 2742f R.C.S., 1925, as amended, provides for the creation of common and independent districts out of parts of other districts and contains the following provision:

"\* \* \* but the petition for the establishment of a county line district as provided for herein shall be addressed to the County Board of Trustees of the county in which the principal school of the new district is to be located, and

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administrative jurisdiction of the said district shall be vested in the County Board of said county."

We think that the foregoing statutes clearly indicate that when a county line school district is created, and the management and control of the public schools therein is placed in one of the counties having territory in the school district, that county shall have the management and control of the public schools therein for all school purposes, including the establishment of a transportation system.

It is our opinion that the county having the control and management of a county line school district is authorized to set up the system of transportation for said district, and the County Boards of other counties which may have territory included within such county line district are without authority to establish a system of transportation therein.

With reference to your second question, it is our opinion that the County Board of School Trustees of the county authorized to set up the transportation system for a county line district would not be authorized to prevent the "invasion of its territory by other county busses" by self help, or force of arms, and if they should resort to the courts we have no means of determining what allegations might be contained in their petitions, or what facts might be developed upon the trial. We think that it is reasonable to assume that the various County Boards of Trustees will comply with the law when advised of their authority.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Lucile C. Cannon*  
 APPROVED *Lucile C. Cannon*  
 OPINION  
 COMMITTEE  
 Assistant  
 BY *R. W. Z.*  
 CHAIRMAN

CCC-MR

APPROVED:

*Lucile C. Cannon*  
 ATTORNEY GENERAL OF TEXAS